

May 16 11 45 AM '97 Federal Communications Commission

DA 97-1024

DISPATCHED 99

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)

Implementation of the Pay Telephone)

Reclassification and Compensation Provisions)

of the Telecommunications Act of 1996)

CC Docket No. 96-128

ORDER

Adopted: May 14, 1997**Released:** May 14, 1997

By the Chief, Policy and Program Planning Division:

1. On May 5, 1997, the American Public Communications Council ("APCC") and the Inmate Calling Service Providers Coalition ("ICSPC") filed a motion¹ seeking leave to file consolidated applications for review of the Common Carrier Bureau's April 15, 1997, orders approving comparably efficient interconnection ("CEI") plans for basic payphone services filed by Bell Atlantic Telephone Companies ("Bell Atlantic"), BellSouth Corporation ("BellSouth"), NYNEX Telephone Companies ("NYNEX"), Pacific Bell and Nevada Bell (jointly "PacTel"), Southwestern Bell Telephone Company ("SWBT"), and US WEST, Inc. ("US WEST").² APCC and ICSPC also seek to extend the page limit for such consolidated

¹ Motion of the American Public Communications Council and the Inmate Calling Services Providers Coalition to Consolidate Applications for Review and to Extend Page Limit for Consolidated Applications (filed May 5, 1997) ("Motion").

² See Ameritech's Plan to Provide Comparably Efficient Interconnection to Providers of Pay Telephone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-790 (rel. April 15, 1997) (CCB); Bell Atlantic Telephone Companies' Comparably Efficient Interconnection Plan for the Provision of Basic Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-791 (rel. April 15, 1997) (CCB); BellSouth Corporation's Offer of Comparably Efficient Interconnection to Payphone Service Providers; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-792 (rel. April 15, 1997) (CCB); The NYNEX Telephone Companies' Offer of Comparably Efficient Interconnection to Payphone Service Providers; Implementation of the

applications for review to a maximum of 50 pages.³ APCC and ICSPC filed their motion pursuant to section 1.41 of the Commission's rules.⁴

2. APCC and ICSPC state that, if their motion is granted, APCC and ICSPC each would file a single application for review addressing all seven CEI Orders.⁵ In support of their motion, APCC and ICSPC state that the Commission's CEI Orders share common issues of law, and that permitting APCC and ICSPC each to file consolidated applications for review would eliminate the need for duplicative pleadings on common issues and conserve the Commission's limited resources.⁶ APCC and ICSPC further state that, because there are factual variations among the individual CEI Orders, an extension of the 25 page limit for applications for review is appropriate to ensure that each party can adequately address the factual issues related to each of the seven CEI plans in one consolidated application for review.⁷ APCC and ICSPC state that "[i]n no event will either party require more than 50 pages for its individual application for review of the CEI Orders."⁸

3. We agree with APCC and ICSPC that the CEI Orders raise common legal issues that would most efficiently be addressed in a consolidated fashion. Thus, granting their

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-793 (rel. April 15, 1997) (CCB); Pacific Bell and Nevada Bell Comparably Efficient Interconnection Plan for the Provision of Basic Telephone Service; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-794 (rel. April 15, 1997) (CCB); Southwestern Bell Telephone Company's Comparably Efficient Interconnection Plan for the Provision of Basic Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-795 (rel. April 15, 1997) (CCB); U S WEST's Comparably Efficient Interconnection Plan for Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-796 (rel. April 15, 1997) (CCB) (collectively "CEI Orders").

³ Section 1.115(f)(1) provides that applications for review shall not exceed 25 double-spaced typewritten pages. 47 C.F.R. § 1.115(f)(1).

⁴ Motion at 1 (citing 47 C.F.R. § 1.41).

⁵ Id. at 2.

⁶ Id. at 2-3.

⁷ Id. at 3.

⁸ Id.

motion for leave to file consolidated applications for review of the CEI Orders will eliminate the need for duplicative pleadings, and conserve Commission resources. Although we do not routinely grant extensions of the page limits for pleadings filed with the Commission,⁹ we recognize that there are certain factual variations among the seven CEI Orders, and that the parties may not be able to address adequately the factual issues related to each of the seven CEI plans if their consolidated applications for review are limited to 25 pages. Accordingly, we believe it is appropriate to grant the parties' request to extend the page limit for each parties' consolidated application for review to a maximum of 50 pages.

4. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, that the motion of the American Public Communications Council and the Inmate Calling Services Providers Coalition to consolidate applications for review and to extend the page limit for consolidated applications IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Richard K. Welch

Richard K. Welch
Chief, Policy and Program Planning Division
Common Carrier Bureau

⁹ See 47 C.F.R. § 1.48(b).